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Security Council

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Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Note verbale dated 28 May 2004 from the Permanent Mission of Austria to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Austria to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo and has the honour to provide the information set out below.

With reference to the note verbale dated 12 May 2004 from the Presidency of the European Union to the Chairman of the Committee (S/AC.43/2004/3), the Permanent Mission of Austria wishes to inform the Committee that the member States of the European Union (EU), including Austria, have implemented the measures against the Democratic Republic of the Congo imposed by Security Council resolution 1493 (2003) by enacting Council of the European Union common position 2003/680/CFSP of 29 September 2003 amending common position 2002/829/CFSP on the supply of certain equipment to the Democratic Republic of the Congo and Council of the European Union regulation (EC) No. 1727/2003 of 29 September 2003 concerning certain restrictive measures in respect of the Democratic Republic of the Congo.

Whereas Council of the European Union regulations are binding in their entirety and directly applicable in all member States of the European Union and thus do not require further national implementation, the above Council of the European Union common position endorsing the arms embargo has been implemented by national legislation.

As regards the arms embargo, the Austrian War Materials Act (WMA), the Austrian Foreign Trade Act (FTA) and the Foreign Trade Act Regulation apply. According to these rules, no permission may be granted to export war materials, weapons etc. to countries that are subject to a United Nations or EU arms embargo. Non-compliance with WMA or FTA is in principle an administrative offence but may under certain circumstances also be regarded as a criminal offence, to be punished with imprisonment of up to five years or payment of a fine of up to 360 daily rates.

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